

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
ORDER

APPLICATION 4663

PERMIT 2447

LICENSE 1030

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

Licensee having established to the satisfaction of the Division of Water Resources that the change in points of diversion under Application 4663, Permit 2447, License 1030 for which petition was submitted on July 5, 1939 will not operate to the injury of any other legal user of water, the Division of Water so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said Application 4663, Permit 2447, License 1030 to a point of diversion described as follows to-wit:

SOUTH SIXTY SEVEN DEGREES, THIRTY MINUTES WEST (S 67°30' W)
FOURTEEN HUNDRED (1400) FEET FROM THE NORTHEAST CORNER OF
PROJECTED SECTION 4, T 20 N, R 2 E, M.D.B.&M., BEING WITHIN
THE NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 4.

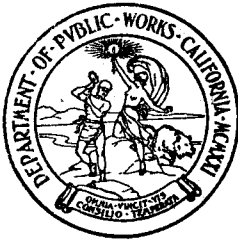
WITNESS my hand and the seal of the Department of Public Works of the State of California this 21st day of September, 1939.

EDWARD HYATT, State Engineer.

By Harold Dankling
Deputy.

WEC:NH





STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 4663

PERMIT 2447

LICENSE 1030

ORDER DECLARING LICENSE 1030 TO BE A VALID AND EXISTING LICENSE AS OF THE DATE OF ITS ISSUANCE ON MARCH 25, 1931, AND CANCELLING PREVIOUS ORDER OF JULY 11, 1931, WHICH PURPORTS TO REVOKE SAID LICENSE.

WHEREAS, on March 25, 1931, the Division of Water Resources issued license numbered 1030 and thereafter on May 18, 1931, mailed notice of said issuance which was received by licensee on May 21, 1931;

WHEREAS, on May 25, 1931, said license was duly filed by the County Recorder of Butte County and a certificate of said filing was on said date duly executed by said County Recorder;

WHEREAS, due to error and inadvertence of the said County Recorder of Butte County the certificate of the said recorder of the filing of said license was not received in the office of said division until September 2, 1931;

AND WHEREAS, the fact of the filing of said license and of the issuance of said certificate of filing on said 25th day of May 1931 and of the error of said recorder in failing to promptly forward said certificate of filing to said division is attested by the duly executed certificates of said recorder now on file in this office;

NOW THEREFORE be it hereby declared and ordered that said license is a valid and existing license and has been a valid and existing license ever since the date of its issuance on March 25, 1931, and that the order heretofore issued on July 11, 1931, which purports to revoke said license is void, of no effect, and is hereby rescinded and cancelled.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 20th day of November, 1931.

EDWARD HYATT, State Engineer

By

Harold Conkling
Deputy

SEB:GG



DEC 18 1931

E.M.B.

CM

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 4663

PERMIT 2447

LICENSE 1030

ORDER REVOKING LICENSE

Licensee, having been duly notified of the issuance of License 1030 upon Application 4663, Permit 2446, and having failed to file a true copy thereof in the office of the County Recorder and thereafter file with the Division of Water Resources an affidavit of such filing in the office of the County Recorder as required by Section 19 of the Water Commission Act, and all rights under said license having ceased and determined in accordance with the provisions of said Section 19 of the Water Commission Act.

IT IS THEREFORE ORDERED that said license be and the same is hereby revoked and cancelled upon the records of the Division of Water Resources.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 11th day of July, 1931.

EDWARD HYATT, State Engineer

Reg.
CM:MM



By Harold Conkling
Deputy

JUL 18 1931 ENB.

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1030

PERMIT 2447

APPLICATION 4653

ASSIGNMENT MADE

Notice of Assignment (Over)

THIS IS TO CERTIFY, That **E. L. Adams, Chico, California**

has made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **Hamlin Slough in**

tributary of **Butte County**
Butte Creek

for the purpose of **irrigation use**
under Permit **2447**

of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from

June 30, 1925;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **thirteen and eight tenths (13.8) cubic feet per second** from about April 1st to about September 15th of each season. In case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights. 27

As there is a possibility that there will not be sufficient water in Sacramento River during the latter part of the irrigation season to satisfy all requirements, this license is issued subject to the express condition that the use hereunder may be regulated by the Division of Water Resources during such periods of water scarcity to the end that such use will not interfere with rights under prior applications. are 0000090

The point of diversion of such water is located (a) South thirty-seven degrees twenty nine minutes East (S. 37° 29' E.) forty three hundred sixty (4360) feet; thence South thirty-seven degrees nine minutes West (S. 37° 09' W.) one hundred (100) feet from the center of the southerly abutment of the Sacramento Northern Railroad bridge over the southerly channel of Butte Creek; (b) a point located on Hamlin Slough eight hundred five (805) feet northeasterly along said slough from the above described point; being within (a) and (b), the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8, T. 20 N., R. 2 E., M.D.B. & M.

A description of the lands or the place where such water is put to beneficial use is as follows: **1314.9 acres** within projected Sections 8, 9, 16, 17, 20 and 21, T. 20 N., R. 2 E., M.D.B. & M. as shown on map received July 1, 1925, on file in the office of the Division of Water Resources.

In accordance with the provisions of Section 42 of the Water Commission Act, nothing herein shall be construed as confirming the right to use more than two and one-half (2 $\frac{1}{2}$) acre feet of water per acre in any one year in the irrigation of uncultivated areas of land not devoted to cultivated crops. 0000999

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described. 1

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this 25th day of March, 1931

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy

12/28/43 RECEIVED NOTICE OF ASSIGNMENT TO E. L. Adams & Lou K. Adams
Herbert W. & Marjorie C. Whitten

3/13/52 RECEIVED NOTICE OF ASSIGNMENT of ints of Herbert W. & Marjorie C. Whitten to E. L. & Lou K. Adams

11/2/65 RECEIVED NOTICE OF ASSIGNMENT TO Newhall Land & Farming Co.

7.25.78 Asgd to Nevia Industries Inc

1-17-79 Asgd to Adams Esquon Ranch, Inc.

3/20/91 Notice of asgd: Lic#1030
Rancho Esquon Partners

LICENSE 1030

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO, E. L. Adams

DATED March 25, 1931